



## CITY COUNCIL REGULAR MEETING MINUTES

July 20, 2015

### 6:30 p.m. Special Meeting, Council Chambers

**Executive Session to: discuss legal risk per RCW 42.30.110(1)(i)(iii);  
consider real estate disposition per RCW 42.30.110(1)(c);  
and, consider real estate acquisition per RCW 42.30.110(1)(b),  
Miller Creek Conference Room**

### 7:00 p.m. Regular Meeting, Council Chambers

**400 SW 152<sup>nd</sup> Street, 1<sup>st</sup> Floor  
Burien, Washington 98166**

*To hear Council's full discussion of a specific topic or the complete meeting, the following resources are available:*

- Watch the video-stream available on the City website, [www.burienwa.gov](http://www.burienwa.gov)
- Check out a DVD of the Council Meeting from the Burien Library

### SPECIAL MEETING

Mayor Krakowiak called the Special Meeting of the Burien City Council to order at 6:00 p.m. for the purpose of holding an Executive Session to discuss legal risk per RCW 42.30.110(1)(i)(iii); consider real estate disposition per RCW 42.30.110(1)(c); and, consider real estate acquisition per RCW 42.30.110(1)(b).

Present: Mayor Lucy Krakowiak, Deputy Mayor Nancy Tosta, Councilmembers Stephen Armstrong, Bob Edgar, Lauren Berkowitz, Gerald F. Robison and Debi Wagner.

Administrative staff present: City Manager Kamuron Gurol; City Attorney Soojin Kim; and, Economic Development Manager Dan Trimble.

No action was taken.

The Special Meeting adjourned to the Regular Meeting at 7:00 p.m.

### CALL TO ORDER

Mayor Krakowiak called the Regular Meeting of the Burien City Council to order at 7:05 p.m.

### PLEDGE OF ALLEGIANCE

Mayor Krakowiak led the Pledge of Allegiance.

### ROLL CALL

Present: Mayor Lucy Krakowiak, Deputy Mayor Nancy Tosta, Councilmembers Stephen Armstrong, Bob Edgar, Lauren Berkowitz, Gerald F. Robison and Debi Wagner.

Administrative staff present: City Manager Kamuron Guroi; Police Chief Scott Kimerer; City Attorney Soojin Kim; Parks Recreation and Cultural Services Director Michael Lafreniere; Economic Development Manager Dan Trimble; Parks Development and Operations Manager Steve Roemer; Management Analyst Nhan Nguyen; Finance Director Kim Krause; Contract Management Analyst Lori Fleming; and, Department Assistant Kathy Wetherbee.

#### **AGENDA CONFIRMATION**

##### **Direction/Action**

**Motion** was made by Councilmember Berkowitz, seconded by Councilmember Robison, and passed unanimously to amend the agenda to add the Trespass Ordinance 606/621 reconsideration on the Business Agenda as Item 8 “b” and possible action amending Chapter 9.125 of the Burien Municipal Code (BMC) to clarify due process, scope and standards for use of trespass warnings on the City and other publicly-owned property and whether we need this Ordinance at all and renumber sequential items.

##### **Direction/Action**

**Motion** was made by Deputy Mayor Tosta, seconded by Councilmember Robison, and passed unanimously to affirm the July 20, 2015, Agenda as amended.

#### **PUBLIC COMMENT**

Chestine Edgar 1811 Southwest 152<sup>nd</sup> Street, Burien  
Ed Dacy, 2016 Southwest 146<sup>th</sup> Avenue, Burien  
Roger DeLorm, 13254 2<sup>nd</sup> Avenue Southwest, Burien  
Robert Howell, 15240 20<sup>th</sup> Avenue Southwest, Burien  
Phillip Levine, 430 South 124<sup>th</sup> Street, Burien  
Rachel Levine, 430 South 124<sup>th</sup> Street, Burien  
Quinton Thompson, 179 South 182<sup>nd</sup> Street, Burien

#### **CORRESPONDENCE TO THE COUNCIL**

- a. Email Dated June 20, 2015, from Sue Blazak.
- b. Email Dated July 2, 2015, from Allison Ostrer.
- c. Email Dated July 2, 2015, from Chris Rimple.
- d. Email Dated July 7, 2015, from Maureen Hoffman.
- e. Email Dated July 7, 2015, from Helen Gilbert.
- f. Email Dated July 7, 2015, from Henry Noble.
- g. Email Dated July 7, 2015, from Anne Slater.
- h. Email Dated July 7, 2015, from Phillip Levine.
- i. Email Dated July 8, 2015, from Linda Plein.
- j. Email Dated July 8, 2015, from Linda Plein.
- k. Email Dated July 10, 2015, from Mary Cross.
- l. Email Dated July 12, 2015, from Will Spruill.
- m. Email Dated July 15, 2015, from Matt Campos.

#### **CONSENT AGENDA**

- a. Approval of Check Register: Numbers 41029-41150 in the Amounts of \$1,484,800.99 for Payment on July 20, 2015.
- b. Approval of Minutes: Regular Meeting, July 6, 2015.
- c. Motion to Approve the Memo Regarding the City Manager’s Performance.
- d. Motion to Approve an Interlocal Agreement with King County for the 2015 Regional Aerial Photography Project.

**Direction/Action**

Deputy Mayor Tosta requested the Check Register: Numbers 41029-41150 in the Amounts of \$1,484,800.99 for Payment on July 20, 2015 be removed from the Consent Agenda and placed on the Business Agenda as Item 8 "c" and renumber sequential items.

**BUSINESS AGENDA**

**Council Update on Off-Leash Dog Park Project.**

**Public Comment**

None received

**Direction/Action**

**Motion** was made by Deputy Mayor Tosta, seconded by Councilmember Robison, to approve an adjustment of the FY 2015-2016 Parks Capital Improvement Program (CIP) Fund Balance through the mid-biennial budget amendment process, and authorize the City Manager to sign a Naming Agreement for the "Burien Toyota & Chevrolet Dog Park."

**Direction/Action**

**Motion** was made by Councilmember Berkowitz, seconded by Councilmember Robison, to include moving up this process to this year, but not include the Naming Sponsor until further information is obtained on how that will impact the "Branding" as a City. **Motion** failed 2-5. Opposed: Mayor Krakowiak; Deputy Mayor Tosta; and, Councilmembers Armstrong, Edgar, and Wagner.

**Direction/Action**

**Motion** was made by Deputy Mayor Tosta, seconded by Councilmember Robison, and passed unanimously to approve an adjustment of the FY 2015-2016 Parks Capital Improvement Program (CIP) Fund Balance through the mid-biennial budget amendment process, and authorize the City Manager to sign a Naming Agreement for the "Burien Toyota & Chevrolet Dog Park."

**Discussion of Ordinance 623.**

This item was added under Agenda Confirmation.

**Direction/Action**

**Motion** was made by Councilmember Robison, seconded by Councilmember Armstrong, and passed unanimously to approve Ordinance 623, amending Chapter 9.125 of the Burien Municipal Code (BMC) to clarify due process, scope and standards for use of trespass warnings on the City and other publicly-owned property, amending Ordinance 606 and Ordinance 621.

**Direction/Action**

**Motion** was made by Councilmember Berkowitz seconded by Councilmember Robison, to repeal Ordinance 623 in its entirety and Ordinance 621 and Ordinance 606, as they do not address the liability that is still existing under Section 9.125.010, Sub-Section 4. **Motion** failed 2-5. Opposed: Mayor Krakowiak; Deputy Mayor Tosta; and, Councilmembers Armstrong, Edgar, and Wagner.

**Discussion of the Check Register.**

**Direction/Action**

**Motion** was made by Deputy Mayor Tosta, seconded by Councilmember Robison, and passed unanimously to approve the Check Register.

**Presentation of the 2014 Annual Police Report Summary.**

**Public Comment**

Dick West, 11006 Roseberg Avenue South, Burien

Chief Scott Kimerer talked about the Work Plan, 2015 Cities Crime Rankings, the Crime Comparisons, the 20 Year Violent Crime Data, Targeted Emphasis in 2014, the Department's 2015 Strategies, and the use of social media.

Councilmember Berkowitz excused herself at 8:32 p.m. and returned at 8:35 p.m.

Councilmember Wagner excused herself at 8:38 p.m. and returned at 8:41 p.m.

**Direction/Action**

Councilmember Robison called Point of Order requesting that they recess to a short break on one side or the other of the Executive Session.

Mayor Krakowiak called a recess at 8:45 p.m. and reconvened the meeting at 8:55 p.m.

**Direction/Action**

Mayor Krakowiak recessed the meeting at 8:55 p.m. to hold an Executive Session to consider real estate disposition per RCW 42.30.110(1)(c) and to consider real estate acquisition per RCW 42.30.110(1)(b) at 8:55 p.m.

Mayor Krakowiak reconvened the meeting at 9:12 p.m.

**Discussion on Supplemental Human Services Funding.**

**Public Comment**

Charles Schaffer, 258 South 156<sup>th</sup> Street, Burien  
Quinton Thompson, 179 South 182<sup>nd</sup> Street, Burien

**Direction/Action**

**Motion** was made by Deputy Tosta, seconded by Councilmember Robison, to extend the meeting to 10:30 p.m. **Motion** passed 4-3. Opposed: Mayor Krakowiak; and, Councilmembers Armstrong and Edgar.

**Direction/Action**

**Motion** was made by Councilmember Wagner, seconded by Councilmember Robison, to refer questions to the staff for a response at a future meeting by creating a matrix.

The Motion and second were withdrawn.

**Direction/Action**

**Motion** was made by Councilmember Wagner, and seconded by Councilmember Robison, to end the current discussion.

**Direction/Action**

Mayor Krakowiak called Point of Order asking that Councilmember Berkowitz reconsider the description of how the Council makes decisions.

**Direction/Action**

Councilmembers took a vote on the Point of Order. **Vote** passed 4-3. Opposed: Deputy Mayor Tosta; and, Councilmembers Berkowitz and Robison.

**Direction/Action**

Councilmember Berkowitz called Point of Order stating that she wondered how someone else can say something negative and no one objects.

**Direction/Action**

Mayor Krakowiak stated that Deputy Mayor Tosta made her statement in a non-inflammatory way.

**Direction/Action**

Councilmembers took a vote on the Point of Order. **Vote** passed 7-0.

**Direction/Action**

Councilmember Robison called Point of Order stating that a Motion is still on the floor.

The following Motion was restated:

**Direction/Action**

**Motion** was made by Councilmember Wagner, and seconded by Councilmember Robison, to end the current discussion.

Councilmember Robison withdrew his second. Councilmembers agreed on the withdrawal of the second.

**Direction/Action**

**Motion** was made by Councilmember Wagner, and seconded by Mayor Krakowiak, to end the current discussion.

**Direction/Action**

Mayor Krakowiak called Point of Order asking Councilmember Robison not to use other Councilmembers names when addressing the Council.

**Direction/Action**

Motion was made Councilmember Armstrong to address the Supplemental Human Services Funding at a later time.

Motion died due to lack of second.

**Direction/Action**

Councilmember Berkowitz called Point of Order objecting to a Councilmembers testimony, stating she felt it was questioning the motives of Councilmembers and she also stated that this was one of the unconstitutional restrictions placed on speech last week and the motives of Councilmembers discussion on homelessness was just attacked as a filibuster, which we do not have a filibuster rule. She requested a vote.

**Direction/Action**

Councilmember Robison called Point of Order stating that the discussion was off topic from the Motion.

Mayor Krakowiak stated that she would work with one Point of Order at a time.

**Direction/Action**

Mayor Krakowiak concurred with Councilmember Berkowitz's on the Point of Order.

**Direction/Action**

Deputy Mayor Tosta Called for the Vote.

Councilmembers reached consensus on the Call for the Vote.

**Direction/Action**

Motion was made by Councilmember Wagner, and seconded by Mayor Krakowiak, to end the current Supplemental Human Services Funding discussion for tonight. **Motion** passed 4-3. Opposed: Deputy Mayor Tosta; and, Councilmembers Berkowitz, and, Robison.

**Direction/Action**

**Motion** was made by Councilmember Robison, seconded by Councilmember Berkowitz, to direct staff to investigate and report back on the costs and burdens of the use of the municipal parking lot for car and/or tent camping.

**Direction/Action**

**Motion** was made by Councilmember Berkowitz, seconded by Robison, to amend the motion to broaden the location site for staff to consider, including any available space, not just the municipal parking lot.

**Direction/Action**

Councilmember Berkowitz called Point of Order stating that the comments by another Councilmember were germane to the discussion.

**Direction/Action**

Mayor Krakowiak called Point Of Order stating that the Councilmember's comments were applicable.

**Direction/Action**

Councilmember Robison Appealed Mayor Krakowiak's Point Of Order. A vote was taken on the Appeal. **Vote** passed 4-3. Opposed: Deputy Mayor Tosta; and, Councilmember Berkowitz and Robison.

**Direction/Action**

Councilmember Robison made a Point of Order stating that it was not information, it was an argument.

**Direction/Action**

Councilmember Wagner made a Point of Order stating that the Councilmember was guessing her motives.

**Direction/Action**

Mayor Krakowiak concurred with Councilmember Wagner on her Point of Order.

**Direction/Action**

Councilmember Robison Appealed Mayor Krakowiak's concurrence of the Point Of Order. Vote on Appeal failed 3-3, 1 Abstained. Opposed: Mayor Krakowiak; and, Councilmembers Edgar and Wagner. Abstained, Councilmember Armstrong.

**Direction/Action**

Councilmember Robison made a Point of Order stating that the original motion was to have the staff investigate and report back on the costs and burdens of the use of the municipal parking lot for car and/or tent camping. The Motion currently on the floor is to expand that request to not limit it to municipal parking lot.

**Direction/Action**

A vote was taken on the previous motion to amend the motion to broaden the location site for staff to consider, including any available space, not just the municipal parking lot. **Motion** failed 3-4. Opposed: Mayor Krakowiak, Councilmembers Armstrong, Edgar, and Wagner.

The following Motion was restated:

**Direction/Action**

**Motion** was made by Councilmember Robison, seconded by Councilmember Berkowitz, to direct staff to investigate and report back on the costs and burdens of the use of the municipal for car and/or tent camping. **Motion** failed 3-4. Opposed: Mayor Krakowiak, Councilmembers Armstrong, Edgar, and Wagner.

**Direction/Action**

**Motion** was made by Deputy Tosta, seconded by Councilmember Robison, to extend the meeting fifteen minutes. **Motion** failed 2-5. Opposed, Mayor Krakowiak, Councilmembers Armstrong, Berkowitz, Edgar, and Wagner.

**Discussion on City Council Meeting Guidelines.**

Due to time constraints, the Guidelines were not reviewed.

**Review of Council Proposed Agenda Schedule.**

Due to time constraints, the Schedule was not reviewed.

**COUNCIL REPORTS**

Due to time constraints, no report's were given.

**CITY MANAGER'S REPORT**

Due to time constraints, the Report was not reviewed.

**ADJOURNMENT**

**MOTION** was made by Deputy Mayor Tosta, seconded by Councilmember Robison, and passed unanimously to adjourn the meeting at 10:31 p.m.

/s/ Lucy Krakowiak, Mayor

/s/ Kathy Wetherbee, Department Assistant